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Report of the Trade and Development Board on its twenty-sixth executive session* (Geneva, 10 April 2001)

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* The present document is an advance version of the report of the Trade and Development Board on its twenty-sixth executive session, held at the United Nations Office at Geneva on 10 April 2001. It will appear in final form, together with the reports on the twenty-seventh executive session and the forty-eighth session of the Board, as *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 15* (A/56/15/Rev.1).

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INTRODUCTION

1. In an introductory statement, the **Secretary-General of UNCTAD** said that, at the recent ACC meeting in Nairobi, much of the discussion had been devoted to Africa. The ACC had recognized that there were numerous initiatives by the UN system, by African Governments themselves and by donors with regard to African development which needed to be consolidated and brought under a unified framework if action in favour of Africa was to be made more effective. It had agreed that the forthcoming session of ECOSOC could be used to engender support for placing separate UN initiatives related to Africa under a single umbrella. Members of the ACC, including the Secretary-General of UNCTAD himself, had underlined the necessity of increasing official development assistance in order to arrive at the internationally agreed target of reducing absolute poverty by half by the year 2015. As pointed out in UNCTAD's study on "Capital flows and growth in Africa", if the poverty reduction targets were to be reached, Africa needed to grow by at least 7 per cent per annum, and that required doubling ODA.

2. Concerning the follow-up to the Millennium Summit, he had suggested that the follow-up mechanism to be put in place for the Third UN Conference on the Least Developed Countries (LDC III) could be used as a model for the follow-up to the Millennium Summit, and that suggestion had met with considerable interest.

3. With regard to LDC III, an effective mechanism for follow-up would be essential. Indeed, insufficient attention to implementation had been one of the main problems of previous programmes for the LDCs. Effective follow-up would depend on three main factors: ownership by LDCs; genuine participation by all organizations and agencies; and the translation into daily action of the commitments embodied in the Programme of Action. Central responsibility for implementation would lie with countries, but assistance would be needed from organizations and agencies, especially those with a field presence. At the level of agencies, work on LDCs would have to be mainstreamed, and specific units and programmes dealing with LDCs would have to be established if they did not exist already. In each agency, both the secretariat and the governing body would have a role to play. In order to monitor progress in implementation, a collegial mechanism could be set up which could be convened and supported by UNCTAD.

I. REPORTS OF THE COMMISSIONS TO THE TRADE AND DEVELOPMENT BOARD

(Agenda item 2)

(a) Commission on Trade in Goods and Services and Commodities, fifth session, 19-23 February 2001 and 23 March 2001

4. For its consideration of this item, the Board had before it the following documentation:

(a) Analysis of ways to enhance the contribution of specific services sectors to the development perspectives of developing countries: National experiences with regulations and liberalization: Examples in the construction services sector and its contribution to the development of developing countries: Agreed recommendations (TD/B/COM.1/L.14);

(b) Major agricultural concerns of developing countries: Impact of the reform process in agriculture on LDCs and net food importing developing countries and ways to address their concerns in multilateral trade negotiations: Agreed recommendations (TD/B/COM.1/L.15);

(c) The sustainable use of biological resources: Systems and national experiences for the protection of traditional knowledge, innovations and practices: Agreed recommendations (TD/B/COM.1/L.16);

(d) Analysis of market access issues facing developing countries: Impact of anti-dumping and countervailing actions: Agreed recommendations (TD/B/COM.1/L.17);

(e) Analysis of market access issues facing developing countries: Impact of anti-dumping and countervailing actions: Chairman's summary (TD/B/COM.1/L.18).

(f) Provisional agenda for the sixth session of the Commission (TD/B/COM.1/L.19).

(g) Draft report of the Commission on its fifth session (TD/B/COM.1/L.18 and Add.1-3).

5. The representative of **Albania**, speaking in his capacity as Vice-President of the Commission on Trade in Goods and Services and Commodities, introduced the outcomes of the Commission's fifth session and recommended them to the Board for endorsement.

6. The representative of **Singapore**, speaking on behalf of the **Asian Group and China**, said that, with regard to the protection of traditional knowledge, his Group welcomed the outcome of the Commission's deliberations. The Commission had placed emphasis on raising

the value of traditional knowledge, on promoting sustainable use of genetic resources, and on ensuring equitable benefit sharing in the commercialization of traditional knowledge based products, and it had recommended that the international community explore minimum standards for an internationally recognized *sui generis* system. Those were issues of key importance to his Group. He noted with satisfaction the recognition of UNCTAD's role in promoting the use of traditional knowledge for trade and development, and in that connection UNCTAD should organize workshops on traditional knowledge. Duplication of work should be avoided, and the UNCTAD secretariat should support work in WIPO and under the CBD.

7. With regard to anti-dumping and countervailing measures, his Group was disappointed that consensus had not been reached on some proposals for work in this area. Much useful analytical work could be done. His Group reaffirmed the mandate contained in paragraph 132 of the Bangkok Plan of Action.

8. The representative of **Sweden**, speaking on behalf of the **European Union**, said that the European Union had concerns about the usefulness and effectiveness of Commission meetings. UNCTAD had been assigned important tasks in the Commission's agreed recommendations, and it now expected the secretariat, within its mandate and available resources, to transform these recommendations into actions. A number of important developments were taking place in other international organizations, and the focus in UNCTAD should be on actions that would complement existing international work. UNCTAD should cooperate with relevant international bodies and avoid duplication of work.

9. With regard specifically to the Commission on Trade, a long list of recommendations had been made to UNCTAD, and priorities would have to be established. In the international community's technical and financial assistance to developing countries, the European Union attached great importance to measures to help cope with the burden of complying with sanitary and phytosanitary measures and technical standards. In the field of traditional knowledge, there was still no international agreement on how traditional knowledge was best protected, and the different international bodies must work together with a view to establishing consensus.

10. Finally, UNCTAD should facilitate the effective participation of developing countries, especially LDCs, in multilateral trade negotiations by conducting analyses and providing technical assistance to enhance negotiating capacity. The CAPAS programme could provided a mechanism for that.

11. The representative of **Nicaragua**, speaking on behalf of the **Latin American and Caribbean Group**, said that work on protection of traditional knowledge should continue with a view to exploring various approaches, including *sui generis* systems. His Group counted on the assistance of UNCTAD and the future work of WIPO to enhance its understanding of the issue and to develop specific proposals for the protection of traditional knowledge.

(b) Commission on Investment, Technology and Related Financial Issues, fifth session, 12-16 February 2001

12. For its consideration of this subitem, the Board had before it the Commission's report on its fifth session (TD/B/48/4).

13. The representative of the **United Kingdom**, speaking in her capacity as **Vice-President of the Commission**, introduced the report of the Commission. With regard to the issues of cross-border mergers and acquisitions and home country measures, UNCTAD needed to find a modality to monitor the implementation of the recommendations made. On the investment policy reviews, all regional groups had welcomed the quality of the reviews, but the discussion had lacked depth. Documentation should be distributed well in advance, more time should be devoted to the reviews, and the idea of having reviews outside the Commission format could be considered. The issue would be taken up during the review of the intergovernmental machinery, and consultations would be held on how best to handle IPRs prior to the mid-term review. Division presentations on activities between sessions and the work of the Commission on Science and Technology for Development had been well received by delegations.

14. The representative of **Nicaragua**, speaking on behalf of the **Latin American and Caribbean Group**, said that the Commission had achieved positive results. The refinements of UNCTAD's work programme and the priorities set would allow progress to be made. A better understanding of such issues as mergers and acquisitions, market structure and competition law and policy would help ensure positive development impacts. It was hoped that the work of UNCTAD would serve as the basis for exploring international cooperation mechanisms designed to deal with the challenges posed by mergers and acquisitions. The investment policy reviews had proved very useful, and his Group was ready to participate in informal consultations on the best way of handling the reviews.

15. The representative of **Singapore**, speaking on behalf of the **Asian Group and China**, said that his Group welcomed the policy recommendations on mergers and acquisitions. While cross-border mergers and acquisitions had a number of positive effects on economic development, developing countries must have policy tools at hand to ensure that FDI worked for host countries' development, for example sectoral reservations, ownership regulations, and incentives. Policy responses also needed to be attuned to the concerns of domestic SME development through, for example, the balanced development of the domestic and foreign enterprise sector and upgrading of linkages between FDI and domestic firms. In order to help the diffusion of knowledge and technology from TNCs, Governments needed to constantly fine-tune their policies to stimulate beneficial linkages between TNCs and host economies.

16. With regard to home country measures, his Group encouraged such measures, which could be in the form of regulations, incentives or other practical measures, including effective coordination of all aspects of each home country's efforts, especially for the benefit of SMEs, so as to increase awareness of investment opportunities; collaboration, both bilaterally and

multilaterally, between home and host country institutions, such as investment promotion agencies and industry associations, including cooperative training; and supporting the establishment of industrial infrastructure in host countries, through for example the establishment of consortia involving firms from several countries to invest in major infrastructure projects in developing countries.

17. The representative of **Sweden**, speaking on behalf of the **European Union**, said that the Commission had underlined the importance of FDI in the form of mergers and acquisitions as well as greenfield investment for development in developing countries. Mergers and acquisitions had been shown to provide large benefits, though the positive and negative effects depended on, for example, the prevailing external environment, national policies and domestic legal frameworks. In that connection, the Commission had urged member States to adopt and implement competition law and had called for strengthened international cooperation in the area of competition policy. The European Union welcomed those proposed actions and felt that they should be given special attention in technical cooperation. The Commission had also emphasized the importance of general domestic policies aimed at creating an enabling business environment. Finally, the European Union welcomed the proposal by the secretariat to upgrade the investment policy reviews, since the short time available during the Commission's session had not done justice to the material available or the presence of ministers.

(c) Commission on Enterprise, Business Facilitation and Development, fifth session, 22-26 January 2001

18. For its consideration of this subitem, the Board had before it the Commission's report on its fifth session (TD/B/48/3).

19. The representative of **Ethiopia**, speaking in his capacity as President of the Commission, introduced the outcomes of the Commission's fifth session and said that the Commission's session had been very successful.

20. The representative of **Singapore**, speaking on behalf of the **Asian Group and China**, said that his Group welcomed the recommendations of the Commission and looked forward to their implementation. With regard to SMEs, those enterprises were the major contributors to employment and economic growth in developing countries. The growth of SMEs could be nurtured through linkages with TNCs, and the presence of strong SMEs in developing countries was in turn an important factor in attracting investment from TNCs. Measures to promote TNC-SME linkages must take into account the growing sophistication of TNCs, corporate trends, market needs and the capabilities of domestic SMEs. The UNCTAD secretariat was encouraged to follow up on the Commission's recommendations.

21. With regard to electronic commerce and tourism, tourism was one of the main pillars of the economy in many developing countries. The growth of electronic commerce had presented developing countries with a new channel for marketing tourism services, and

tourism service providers in developing countries had to develop their capacities in that respect. His Group therefore welcomed the Commission's recommendations and called on the secretariat to implement those recommendations in order to help strengthen the developing countries' abilities to develop and implement e-commerce policies.

22. The representative of **Sweden**, speaking on behalf of the **European Union**, said that the Commission had stressed the importance of adopting domestic and international policies and legal frameworks in the area of competition. National policies represented the basic cornerstone for addressing anti-competitive practices, but a multilateral framework agreement on competition policy would provide a necessary complement and would be essential to tackling the competition policy challenges from globalization in a fair and equitable manner. As in the case of the Commission on Investment, the Commission had established the importance of general domestic policies aimed at creating an enabling business environment.

23. With regard to the three Commissions' sessions in general, the sessions had been constructive in identifying policy actions which, if implemented correctly, would be beneficial to development in all States, and not least the LDCs. They had also illustrated the complex interaction between efforts by UNCTAD, general international efforts and domestic commitments, and the need to pay increasing attention to the latter.

24. The representative of the **UNCTAD secretariat** said that there were no additional financial implications for the regular budget of UNCTAD as a result of the Commissions' recommendations, though the programme of work would have to be modified in the light of some of those recommendations. Concerning extrabudgetary contributions, a number of the recommendations called for action and follow-up by the secretariat, and extrabudgetary contributions would be necessary as such. The recommendations would be reviewed by the secretariat within the framework of the updating of the annual technical cooperation pl

Action by the Board

25. The Board took note of the Commissions' reports and approved the recommendations contained therein.

26. The Board was informed that the representative of the United Kingdom, acting in her capacity as President of the Commission on Investment, would conduct consultations on the modalities to be used for investment policy reviews and report back to the President of the Board.

II. REVIEW OF THE EXPERIENCE IN THE IMPLEMENTATION OF THE RECOMMENDATIONS ON IMPROVING THE FUNCTIONING AND THE STRUCTURE OF THE INTERGOVERNMENTAL MACHINERY OF UNCTAD

(Agenda item 3)

27. The **President** recalled that, pursuant to the decision of the Board at its twenty-fourth executive session on 24 March 2000, it had been decided to allow a one-cycle trial period for the implementation of the recommendations contained in document TD/B/EX(20)/L.1 on improving the functioning and the structure of the intergovernmental machinery of UNCTAD and to review the experience in one year's time after the completion of the first cycle of meetings.

28. The representative of **Cuba**, speaking on behalf of the **Group of 77 and China**, said that the steps taken to enable the Commissions to place the outcome of expert meetings in an appropriate policy framework had had the opposite effect from that intended; there had been a conspicuous lack of discussion in the Commissions, with the sessions being given over to drafting of recommendations. Moreover, some delegations had taken inflexible positions and questioned the role UNCTAD had been given at UNCTAD X. UNCTAD had an important role to play in support of capacity-building in developing countries, which accounted for three-quarters of the membership of WTO but for only 25 per cent of world trade. All members of UNCTAD should cooperate with UNCTAD in its analysis of events from a development perspective, and the developed countries should adopt a more constructive approach to work in UNCTAD. The developing countries must be enabled to reap the benefits of the Uruguay Round and approach WTO positively in the interest of equal development for all

29. The representative of **South Africa**, speaking on behalf of the **African Group**, said that it was too soon for a conclusive review of the intergovernmental machinery, since the recommendations emerging from the Commissions still had to be implemented. A full review would have to wait for another year and should be carried out during the mid-term review. In the meantime, a few interim suggestions could be made. In the preparations for expert meetings, time should be given to the secretariat to prepare background documents. Topics for expert meetings should be decided on at an executive session of the Board, and the practice of scheduling the bulk of expert meetings during the second half of the year should be reconsidered. Enough time should be provided for between expert meetings and Commission sessions to allow time for missions to coordinate with capitals, and enough time should also be left between Commission sessions. At the same time, reforming the intergovernmental machinery could not be a purely procedural exercise. UNCTAD had an important role to play in the integration of developing countries into the world economy and the multilateral trading system, and it was not productive if the precise mandate of the organization was debated at each meeting.

30. The representative of **Sweden**, speaking on behalf of the **European Union**, said that a comprehensive review of the intergovernmental machinery would be conducted in 2002, but that did not preclude institutional improvements in the intervening period. Concerning expert meetings, the EU supported the approach whereby outcomes reflected the fact that experts were attending in their personal capacity. At the same time, it was important that the reports of expert meetings summarize all the positions taken. Concerning the Commission sessions, the EU had some concerns about their usefulness. More specifically, there should be more consistency in terms of procedure and structure of documents; consideration should be given to the number of substantive agenda items, since four seemed too many; and thought should be given to the overall purpose of the Commission sessions – they should provide an instrument for the implementation of the Bangkok Plan of Action and not add novel elements to UNCTAD's mandate; deliberations should therefore focus on providing the secretariat with guidance on prioritizing its work and optimizing its impact.

31. The representative of **Nicaragua**, speaking on behalf of the **Latin American and Caribbean Group**, said that his Group welcomed the efforts to integrate the work of the expert meetings and the Commissions and to give the experts' conclusions greater weight in the Commissions. However, the greater emphasis in the Commissions on drafting agreed recommendations at the expense of policy debate was a matter for concern. The absence of substantive debate meant that suggestions were sometimes rejected without any reason being given. A balance had to be found between discussion and drafting. The discussions in the Commissions should be substantive and based on an evaluation at the policy level of the inputs from the experts, and the results should be practical. Pending the mid-term review, it would be useful for the Commissions to have presentations from recognized experts to stimulate discussions.

32. The representative of the **United States of America** said that the expert meetings had been very enriching, but it was important for summaries to reflect all points of view. The Commissions had been distracted by the quest for agreed conclusions, and the policy dialogue had been lacking. The draft outcomes presented for discussion sometimes lacked focus, and the link with the Bangkok Plan of Action was not always clear. Finally, the Commissions should not be relegated to a *pro forma* role in selecting topics for expert meetings.

33. The representative of **Japan** said that his delegation in principle supported the practice of having the outcomes of expert meetings discussed in the Commissions. However, if the Commissions spent too much of their time on negotiating their agreed conclusions, the time available for policy discussions was limited. The number of agenda items for the Commissions should be limited, and more time should be devoted to policy discussions on each item.

34. The representative of **Norway** said that the improved links between the expert meetings and the Commissions represented a step in the right direction. However, too much

of the Commissions' time was spent on discussing draft conclusions, and it would be better to have shorter, action-oriented conclusions.

Action by the Board

35. The Board decided that the recommendations already approved in document TD/B/EX(24)/L.1 would continue to be applied for another one-year cycle on the understanding that a full-fledged review of the intergovernmental machinery of UNCTAD would be undertaken at the mid-term review. In the intervening period, the President of the Board would hold consultations to try to identify improved methods of work.

III. PROGRESS REPORT ON THE PREPARATORY PROCESS FOR THE THIRD UNITED NATIONS CONFERENCE ON THE LEAST DEVELOPED COUNTRIES

Agenda item 4

36. The **Executive Secretary of LDC III** said that, at its third session, the Intergovernmental Preparatory Committee had taken place in a good atmosphere and had made good progress on clearing the text of the draft Programme of Action. The main outstanding issues related to the definition of "development partners"; the commitment relating to trade, and more particularly issues of market access, subsidies, agricultural support, and fast-track accession to WTO for LDCs; finance, and more particularly aid targets, criteria for debt cancellation, privatization of the banking sector, and expansion of the tax base; and governance, notably conditions for debt relief, corruption by TNCs, and governance in international financing institutions. Other preparations for the Conference were well under way, and the Conference would be innovative in a number of ways, including in terms of the full engagement of the UN system, the focus on deliverables, and the involvement of NGOs. It would serve as an excellent opportunity for the international community to help the LDCs help themselves. Concerning the follow-up to the Conference, the Secretary-General of the United Nations had been mandated by the General Assembly to propose arrangements, and the proposals of the Secretary-General would take into account the views of member States as expressed at the Conference.

IV. INSTITUTIONAL, ORGANIZATIONAL, ADMINISTRATIVE AND RELATED MATTERS

A. Opening of session

37. The twenty-sixth executive session of the Trade and Development Board was held at the Palais des Nations, Geneva, on 10 April 2001. The session was opened by Mr. Camilo Reyes Rodriguez (Colombia), President of the Board.

B. Bureau of the twenty-sixth executive session

38. There being no change in the elected officers of the Bureau since the forty-seventh session, the Bureau of the Board at its twenty-sixth executive session was as follows:

President:	Mr. Camilo Reyes Rodriguez (Colombia)
Vice-Presidents:	Mr. Andrea Negrotto Cambiaso (Italy)
	Mr. Oguz Demiralp (Turkey)
	Mrs. Absa Claud Diallo (Senegal)
	Mr. Petko Draganov (Bulgaria)
	Mr. Koichi Haraguchi (Japan)
	Mr. Nathan Irumba (Uganda)
	Mrs. Savitri Kunadi (India)
	Mr. Roberto Lavagna (Argentina)
	Mr. George E. Moose (United States of America)
	Mr. Vasily Sidorov (Russian Federation)
Rapporteur:	Ms. Uchanya Wichayachakorn (Thailand)

C. Adoption of the agenda

(Agenda item 1)

39. The Board adopted the provisional agenda for its twenty-sixth executive session (contained in TD/B/EX(26)/1). (See annex I.)

D. Membership of the Trade and Development Board

(Agenda item 5(a))

40. The Board was informed that Lesotho, in a communication dated 19 February 2001, had indicated its wish to join the membership of the Board. The Board invited Lesotho to join its membership and to participate fully in its work.

41. The Board was informed that its membership therefore stood at 146.

E. Designation of intergovernmental bodies for the purposes of rule 76 of the rules of procedure of the Board

Agenda item 5(b))

42. The Board was informed that there were currently 109 intergovernmental organizations in status with UNCTAD (TD/B/IGO/List/3 and Add. 1,2 and 3). There were no new applications for consideration by the Board.

F. Designation of non-governmental organizations for the purposes of rule 77 of the rules of procedure of the Board

(Agenda item 5(c))

43. The Board designated the Service Centre for Development Cooperation (KEPA) (see document TD/B/EX(26)/R.1) and the Exchange and Cooperation Center for Latin America (ECCLA) (see document TD/B/EX(26)/R.2) for the purposes of rule 77 of its rules of procedure and classified them in the General Category in accordance with paragraph 12(a) of Board decision 43(VII).

G. Report of the Board on its twenty-sixth executive session

(Agenda item 7)

44. The Board authorized the Rapporteur to complete the report on its current session under the authority of the President.

Annex I

AGENDA FOR THE TWENTY-SIXTH EXECUTIVE SESSION OF THE BOARD

1. Adoption of the agenda

2. Report of the Commissions to the Trade and Development Board

   (a) Commission on Trade in Goods and Services, and Commodities, fifth session

   (b) 19 – 23 February 2001 and 23 March 2001

   (c) Commission on Investment, Technology and Related Financial Issues, fifth session, 12 – 16 February 2001

   (d) Commission on Enterprise, Business Facilitation and Development, fifth session, 22 – 26 January 2001

3. Review of the experience in the implementation of the recommendations on improving the functioning and the structure of the intergovernmental machinery of UNCTAD

4. Progress report on the preparatory process for the Third United Nations Conference on the Least Developed Countries

5. Institutional, organization, administrative and related matters:

   (a) Membership of the Trade and Development Board

   (b) Designation of intergovernmental bodies for the purposes of rule 76 of the rules of procedure of the Board

   (c) Designation on non-governmental organizations for the purposes of rule 77 of the rules of procedure of the Board

6. Other business

7. Report of the Board on its twenty-sixth executive session

Annex II

ATTENDANCE *

1. The following States members of UNCTAD, members of the Board, were represented at the session:

Argentina
Azerbaijan
Bahrain
Barbados
Belarus
Belgium
Bolivia
Brazil
Bulgaria
Chile
China
Colombia
Congo
Costa Rica
Côte d'Ivoire
Croatia
Cuba
Denmark
Dominica
Dominican Republic
Egypt
El Salvador
Ethiopia
Finland
Gabon
Germany
Guatemala
Guinea
Honduras
India
Indonesia
Iran (Islamic Republic of)
Israel
Italy
Jamaica
Japan
Jordan
Kenya
Latvia
Lesotho
Libyan Arab Jamahiriya
Luxembourg
Madagascar
Malaysia
Malta
Mexico
Netherlands
Nicaragua
Nigeria
Norway
Oman
Pakistan
Panama
Paraguay
Peru
Philippines
Poland
Portugal
Romania
Russian Federation
Singapore
Slovakia
Slovenia
South Africa
Spain
Sri Lanka

* For the list of participants, see TD/B/EX(26)/INF.1.

Sweden
Switzerland
Thailand
Trinidad and Tobago
Tunisia
Turkey
Uganda
Ukraine
United Kingdom of Great Britain and Northern Ireland
United Republic of Tanzania
United States of America
Viet Nam
Yemen
Zimbabwe

2. The following other States members of UNCTAD, not members of the Board, were represented as observers at the session:

Guinea-Bissau
Holy See
Mozambique

3. The following intergovernmental organizations were represented at the session:

Common Fund for Commodities
European Community
League of Arab States
Organisation for Economic Cooperation and Development
Organization of African Unity
South Centre

4. The following specialized agencies and related organizations were represented at the session:

International Labour Organization
Food and Agriculture Organization of the United Nations
International Monetary Fund
United Nations Industrial Development Organization
World Trade Organization

5. The Economic Commission for Africa and the International Trade Centre UNCTAD/WTO were represented at the session.

6. The following non-governmental organizations were represented at the session:

General Category

Commission of the Churches on International Affairs of the World Council of Churches
Engineers of the World
International Confederation of Free Trade Unions
International Organization for Standardization
World Confederation of Labour
World Federation of United Nations Associations

Special Category

International Council of Nurses